

San Francisco Department of the Environment Regulation SFE 11-07-CPO
Requirement for Cell Phone Retailers to provide information to their customers with information
regarding how to limit their exposure to radiofrequency energy emitted by cell phones and
Repealing Regulation SFE 10-03-CPO
Ordinance No. 165-11, Adopted July 11, 2011

Regulation Effective Date: September 30, 2011

A. Authorization

San Francisco Environment Code Chapter 11:

SEC. 1103. REQUIREMENTS FOR CELL PHONE RETAILERS.

(a) Beginning 15 days after the Department of the Environment adopts the regulations required under Section 1104(d), cell phone retailers must display in a prominent location visible to the public, within the retail store, an informational poster developed by the Department of the Environment as referenced in Section 1104.

(b) Beginning 15 days after the Department of the Environment adopts the regulations required under Section 1104(d), cell phone retailers must provide to every customer that purchases a cell phone a free copy of an informational factsheet developed by the Department of the Environment as referenced in Section 1104. A copy of this factsheet must also be provided to any customer who requests it, regardless of whether they purchase a cell phone or not.

(c) Beginning 30 days after the Department of the Environment adopts the regulations required under Section 1104(d), if a cell phone retailer posts display materials in connection with sample phones or phones on display, the display materials must include these three informational statements, whose contents, and size, and format as printed, shall be determined by the Department of Environment:

(1) A statement explaining that cell phones emit radiofrequency energy that is absorbed by the head and body;

(2) A statement referencing measures to reduce exposure to radiofrequency energy from the use of a cell phone; and,

(3) A statement that the informational factsheet referenced in subsection (b) is available from the cell phone retailer upon request.

(d) The Director may, in his or her discretion, authorize a retailer to use alternate means to comply with the requirements of subsections (a), (b) and (c). The Director shall authorize such alternate means through the adoption of a regulation after a noticed hearing, and no retailer may sell or lease cell phones to the public or offer to sell or lease cell phones to the public using any alternate means of compliance with this Chapter unless specifically authorized to do so in advance in writing by the Director.

SEC. 1104. REQUIREMENTS FOR THE DEPARTMENT OF THE ENVIRONMENT

(a) Following a public hearing, the Department of the Environment, in consultation with the Department of Public Health, shall develop:

(1) An informational poster, as referenced in Section 1103(a);

(2) An informational factsheet, as referenced in Section 1103(b); and,
(3) A set of statements that must be included in display materials, as referenced in Section 1103(c).

(b) The materials shall inform consumers of issues pertaining to radiofrequency energy emissions from cell phones and actions that can be taken by cell phone users to minimize exposure to radiofrequency energy, such as turning off cell phones when not in use, using a headset and speaker phone, or using the phone to send text messages ("texting").

(c) The Director may by regulation require the inclusion of additional information in the poster, the factsheet, and/or the statements required in connection with display materials.

(d) Within 15 days after the effective date of this ordinance or as soon thereafter as is practicable, the Department of the Environment shall, after a noticed public hearing, issue regulations specifying the contents, size, and format for the poster, the factsheet, and the statements required in connection with display materials as referenced in subsection (a), and provide templates of them for use by retailers.

(1) The informational poster shall be a maximum size of 11 inches by 17 inches;

(2) The informational factsheet shall be a maximum size of 5.5 inches by 11 inches (half-sheet of paper); and,

(3) The informational statements shall be printed in a space no smaller than 1 inch by 2.625 inches.

(e) Should the scientific community or the FCC develop a new metric to measure the actual amount of radiofrequency energy an average user will absorb from each model of cell phone, the Department of the Environment shall make recommendations to the Board of Supervisors for amendments to this Chapter to require notification to the public of this metric at the point of sale.

B. Policy or Findings.

According to the World Health Organization (WHO),

- Mobile phone use is ubiquitous with an estimated 4.6 billion subscriptions globally.
- The electromagnetic fields produced by mobile phones are classified by the International Agency for Research on Cancer as possibly carcinogenic to humans.
- Studies are ongoing to more fully assess potential long term effects of mobile phone use.
- WHO will conduct a formal risk assessment of all studied health outcomes from radiofrequency fields exposure by 2012.

Leading epidemiologists who have studied the effects of radiofrequency energy absorbed from cell phones have recommended that the public be informed of the potential for adverse health effects from long-term cell phone use, particularly for children.

Cell phones are an important communication tool, especially during emergencies, and radiation exposure from cell phones can be reduced by using a speakerphone or a headset, or by sending text messages.

C. Applicability.

This regulation applies to all San Francisco cell phone retailers, defined by the San Francisco Environment Code Chapter 11, Section 1101 as:

(b) "Cell phone retailer" means any person or entity within the City which sells or leases cell phones to the public or which offers cell phones for sale or lease. "Cell phone retailer" shall not include anyone selling or leasing cell phones over the phone, by mail, or over the internet. "Cell phone retailer" shall also not include anyone selling or leasing cell phones directly to the public at a convention, trade show, or conference, or otherwise selling or leasing cell phones directly to the public within the City for fewer than 10 days in a year.

D. Requirements.

1. SEC. 1103(a): Informational poster. See attached poster templates.

The attached poster templates are formatted to fit standard paper size of 11 x 17 inches. The cell phone retailer shall use content and format for the poster, including graphics, identical to the template. Specifically, the poster shall be no smaller than 11 X 17 inches in size.

The Department shall make the poster template available in PDF or Microsoft Word format for printing by cell phone retailers.

2. SEC. 1103(b): Department factsheet. See attached factsheet template.

The attached supplemental factsheet template is formatted to fit standard paper size 8.5 x 11 inches, with two factsheets per sheet. The cell phone retailer shall use content and format for supplemental factsheets, including color and graphics, identical to the template.

The Department shall make the factsheet template available in PDF or Microsoft Word format for printing by cell phone retailers.

3. SEC. 1103(c): Statements to include in display materials. See attached label template.

The attached sticker template is formatted to fit on Avery standard 5160-address labels. A cell phone retailer may use any method to include this information with cell phone display materials, as long as the content, font size and space requirements remain the same. Specifically, the retailer shall print the text in a space no smaller than 1 ix 2.63 inches.

The Department shall make the sticker template available in PDF or Microsoft Word format for printing by cell phone retailers.

The Director of the Department of the Environment hereby adopts these regulations as of the date specified below.

Approved:

Melanie Nutter
Director, Department of the Environment

Date